

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.18618 of 2006

Dated:8.9.2006

Between

The Managing Committee of Kalpavalli Co-op
Stores Limited, Super Bazar No.1-2203,
Guntur, rep., by tis President Sri Morukonda
Sambasiva Rao

.....Petitioner

and

1.The Joint Registrar/District Coop.Officer
Guntur and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.18618 of 2006

ORDER:

This writ petition is directed against the order dated 14.7.2006 passed in M.A.No.14 of 2006 in O.A.No.28 of 2006 on the file of the A.P. Co-operative Tribunal, Vijayawada in dismissing the petition seeking stay of operation of the orders issued by the 1st respondent.

Being aggrieved by the order dated 23.3.2006 *vide* proceedings in Rc.No.401/2006-M, passed by the Joint Registrar-District Cooperative Officer, Guntur, the petitioner filed an appeal before the A.P. Cooperative Tribunal, Vijayawada under Section 76 (1) of A.P. Cooperative Societies Act, VII of 1964 along with an application No.14 of 2006 seeking stay of the order under challenge therein. The Cooperative Tribunal, after a detailed consideration of the matter, came to the conclusion that there is sufficient prima facie material to take action under Section 34 (1) of the A.P.C.S. Act by the 1st respondent and the proceedings need not be interfered with for the present and dismissed the petition. Aggrieved by the same, the present writ petition is filed.

This writ petition is directed only against the interlocutory order made by the Tribunal. The Tribunal has taken various aspects into consideration while rejecting the stay petition. Granting of stay is purely discretionary order basing on the prima facie case and balance of convenience. In the instant case, I am of the opinion, that the Tribunal has not committed any error in dismissing the application M.A.No.14 of 2006. Writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, the Tribunal is directed to dispose of the appeal within a period of three months from the date of receipt of a copy of this order, positively.

08.09.2006

rkk

